TENNESSEE GENERAL ASSEMBLY FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 1075 - SB 1716

March 17, 2011

SUMMARY OF BILL: Authorizes any county legislative body to create a Design Review Commission (DRC) to develop guidelines for the exterior appearance of nonresidential property, multi-family residential property, and any entrance to a nonresidential development or to designate the planning commission as the DRC. Requires the county mayor, county executive, or metropolitan mayor to appoint county residents with relevant knowledge or experience as members when designating a DRC separate from the planning commission. Subjects county DRC guidelines to the approval of the county legislative body and establishes when municipal and county DRC rules apply. Excludes agricultural buildings in the unincorporated area of the county. Authorizes property owners to appeal a decision of the DRC or county building commissioner to the county board of zoning.

ESTIMATED FISCAL IMPACT:

Increase Local Expenditures – \$16,600/Permissive

Assumptions:

- Design Review Commissions (DRC) will function in a similar manner as a planning commission and will be volunteer based boards.
- Pursuant to Tenn. Code Ann. § 13-3-101, local legislative bodies are authorized to compensate commissioners for travel expenses.
- Estimate assumes that a DRC will only be organized in counties that have adopted a zoning plan and have administrative staff capable of providing technical and advisory support to the DRC; therefore, there will not be a significant increase to local expenditures for DRC staff.
- Some counties will designate their planning commission as the DRC.
- According to the "Status of Planning and Land Use Controls" report published by the Department of Economic and Community Development in July 2010, 48 counties have adopted zoning plans.
- The number of separate DRCs that will be established is unknown but is estimated to be approximately 25 percent (or 12) of counties with an adopted zoning plan.
- The number of members per planning commission varies between 5 and 15 members. The number of members to serve on a DRC is unknown but is estimated to be 10.
- DRCs will meet monthly to develop guidelines and consider building proposals.

- The average round-trip mileage to attend DRC meetings is estimated to be 25 resulting in a permissive increase to local expenditures of \$16,560 [(12 DRCs x 10 members x 25 miles x \$0.46) x 12 meetings].
- Pursuant to Tenn. Code Ann. §§ 13-7-107 and 13-7-108, property owners have the current ability to appeal zoning regulations. Authorizing property owners to appeal the decisions of a DRC will not significantly increase the number of appeals heard by local governments.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

James W. White, Executive Director

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